

DEPARTMENT OF PLANNING AND INFRASTRUCTURE  
MONTHLY AUDITING AND COMPLIANCE ACTIVITIES REPORT

November 2011

**SINGLETON OFFICE**

ACTIVITY TYPE	MONTHLY TOTAL	2011-12 TOTAL
Audits	0	0
Inspections	10	68
Meetings	24	86
Surveillances	16	51
<i>Subtotal compliance monitoring</i>	<b>50</b>	<b>205</b>
Negotiated outcomes	0	0
Advisory letters	10	32
Warning letters	4	9
Enforceable undertakings	0	0
Notices to produce information and records	0	0
Draft orders	0	1
Orders	1	3
Penalty Notices	2	2
Court Orders	0	0
Prosecutions	0	0
<i>Subtotal enforcement</i>	<b>17</b>	<b>47</b>
Complaints received	<b>33</b>	<b>87</b>

**HEAD OFFICE**

Audits	1	1
Inspections	5	23
Meetings	0	14
<i>Subtotal compliance monitoring</i>	<b>6</b>	<b>38</b>
Negotiated outcomes	0	0
Advisory letters	1	6
Warning letters	2	8
Enforceable undertakings	0	0
Notices to produce information and records	0	0
Draft orders	0	2
Orders	0	0
Penalty Notices	1	6
Court Orders	0	0
Prosecution	0	0
<i>Subtotal enforcement</i>	<b>4</b>	<b>22</b>

**JINDABYNE OFFICE**

Audits	0	1
Inspections	0	4
Meetings	0	0

<i>Subtotal compliance monitoring</i>	<b>0</b>	<b>5</b>
Negotiated outcomes	0	1
Advisory letters	0	1
Warning letters	0	0
Enforceable undertakings	0	0
Notices to produce information and records	0	0
Draft orders	0	0
Orders	0	5
Penalty Notices	0	3
Court Orders	0	0
Prosecutions	0	0
<i>Subtotal enforcement</i>	<b>0</b>	<b>10</b>
<b>TOTAL ACTIONS</b>		
Compliance monitoring	<b>56</b>	<b>248</b>
Enforcement	<b>21</b>	<b>79</b>

## SINGLETON OFFICE - KEY ACTIVITIES UNDERTAKEN

### *Penalty infringement notice for Mangoola Mine*

- On 4 November, a blast at Mangoola mine recorded a ground vibration of 124mm/s at the closest power line pylon. The department was notified of the exceedance by Mangoola Mine and a report by the mine attributed the incident to an error in calculations used to predict ground vibration.
- An agreement between the mine and the power line owner TransGrid allows for maximum vibration levels of 100 mm/s.
- Testing of the power line foundations has confirmed the vibration had no adverse affect on the structure.
- After reviewing the mine's investigation, the department issued the mine with a penalty infringement notice of \$3,000 on 29 November for breaching its development consent.
- The mine has subsequently engaged specialists to assist in revising blast management practices near the powerlines to reduce ground vibration.

### *Independent noise review at Bulga*

- An independent environmental review for noise from the Mt Thorley-Warkworth mine commenced in November in the Bulga area.
- The mine's conditions of consent include the ability for the department to require such a review, following requests from residents of Bulga who considered the mine was exceeding its noise criteria.
- The independent review will involve monitoring to determine whether the mine is complying with its noise criteria. The review is expected to be completed in early 2012 and the results will determine whether further action is required.

### *Independent environmental review for noise, dust and blasting near Muswellbrook.*

- An independent review for noise, air quality and the affects of blasting has been completed for a residence near the Drayton mine at Muswellbrook.
- A resident had raised concerns about the train noise from the rail loop and rail spur which arose from trains serving Drayton and Mt Arthur mines. The monitoring found elevated noise levels, however these were within the relevant criteria under Drayton's project approval.

- The department negotiated with Drayton and Mr Arthur mines to phase out the older noisier locomotives from the rail network and the mines are co-operating in this regard.
- RailCorp's environment protection licence has noise limits on locomotives and the department is incorporating the need to comply with these limits in new approvals.

#### *Complaints*

- During November, 32 complaints were received by the Singleton compliance office, including 18 for noise, nine for dust, three for lighting issues and two others.
- A number of the complaints arose when a private company's complaints hotline service for the mines ceased operating with no notice. All mines now have an interim complaints service in place.
- A large number of the noise complaints came from Bulga and related to the Mt Thorley – Warkworth mine, continuing the trend from October which led to the decision to undertake an independent noise review.

### **HEAD OFFICE - KEY ACTIVITIES UNDERTAKEN**

#### *Penalty notice for Wollie Creek development*

- Work on a development at the corner of Princes Highway and Arncliffe Street, Wollie Creek was found by the Principal Certifying Authority (PCA) and Rockdale Council to have commenced without a construction certificate being issued.
- Council issued a "stop work" order until the necessary certification was obtained.
- In addition, the department issued the proponent, Nahas Construction Pty Ltd, with a \$3,000 penalty notice on 16 November for a breach of its project approval.
- The proponent has applied to Council for a building certificate which, if granted, will enable works to recommence.

#### *Penalty notice and order issued for Greta Train Support Facility*

- In August 2011, the department inspected Pacific National's construction of the Greta Train Support Facility in the Hunter Valley. The department's Singleton compliance staff conducted the inspection on behalf of the Sydney office.
- Whilst on site, the department advised of the need to ensure trucks associated with the project would not use Nelson St, Greta, consistent with the project's environmental assessment and approved traffic management plan.
- On 25 October, the department observed a truck entering and leaving the Greta site via Nelson St and issued a warning letter.
- On 4 November, the proponent advised of the results of an investigation into the incident and of measures taken to prevent a recurrence.
- On 8 November, the department further observed a truck leaving the site via Nelson St. The department issued Pacific National with a \$3,000 penalty notice for non-compliance with the approved traffic management plan and an order to ensure heavy vehicles enter and exit the premises in accordance with the approved plan.
- To prevent a recurrence of the incident, the proponent has now implemented further administrative procedures for trucks leaving the site, installed three new signs to direct trucks which route to use, and has stationed traffic controllers at the entry and exit point to the site.
- Furthermore, Pacific National has made representations to the department contesting the penalty notice. Any further developments on this matter will be reported in future compliance reports in accordance with the compliance communications policy.

#### *Compliance audits and inspections*

- The Sydney compliance team conducted routine site inspections of a number of approved projects during November, including:
  - A residential and child care development under construction at Boondah Road, Warriewood;

- The Huskisson Hotel redevelopment;
  - A redevelopment of the former Channel 7 site at Mobbs Lane, Epping;
  - A waste facility under construction at Eastern Creek;
  - The Blakebrook Quarry operation at Lismore; and
  - A full compliance audit of Broken Head Quarry against its development consent, in a joint exercise with Byron Shire Council and the Environment Protection Authority.
- The department is now considering the results of the site inspections and audit, with any further action to be reported in future monthly compliance reports.

*Orica facility at Kooragang Island*

- Two consents in place for the Orica facility require that incidents at the facility be reported to the department “as soon as practicable after the proponent becomes aware of the incident” and “within 24 hours of the incident” respectively.
- After an incident occurred on 8 August 2011 involving the release of hexavalent chromium, Orica took four working days to notify the department of the incident, which was longer than the notification period required by Orica’s approvals.
- The department’s compliance unit considered the late notification of the incident. The department advised Orica that as the department did not have an operational role in the event of such an incident, and because the relevant operational agencies had been notified in line with legislative requirements - namely the Office of Environment and Heritage and WorkCover – further action on the late notification was not warranted. Notwithstanding this, the department has agreed to review its incident reporting requirements.

**JINDABYNE OFFICE - KEY ACTIVITIES UNDERTAKEN**

- A number of compliance matters remain ongoing and there were no new compliance actions to report for the month.